

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 322 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2009]: **Sec. 11. (a) As used in this section, "governing body"**  
6 **refers to the governing body of a school corporation that is subject**  
7 **to any of the following:**  
8           (1) IC 20-23-4-30.  
9           (2) IC 20-23-7-8 (before its repeal on July 1, 2009) and  
10           IC 20-23-7-8.1 (after June 30, 2009).  
11           (3) IC 20-23-8-8.  
12           (4) IC 20-23-10-8.  
13           (5) IC 20-23-12.  
14           (6) IC 20-23-13.  
15           (7) IC 20-23-14.  
16           (8) IC 20-25-3-4.  
17           **(b) This subsection applies to a member of a governing body**  
18 **elected at the 2006 primary election. The successor of such a**  
19 **member shall:**  
20           (1) be elected at the 2010 general election; and  
21           (2) take office January 1, 2011.  
22           **(c) This subsection applies to a member of a governing body**  
23 **elected at the 2008 primary election. The successor of such a**  
24 **member shall:**

**(1) be elected at the 2012 general election; and**

**(2) take office January 1, 2013.**

**(d) This section expires July 1, 2013.**

SECTION 2. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 9. Government Employees Holding Office**

**Sec. 1. (a) This chapter applies to a government employee who, after June 30, 2009, assumes an elected office of the political subdivision that employs the individual.**

**(b) This chapter does not apply to a government employee who, on June 30, 2009, holds an elected office of the political subdivision that employs the individual, as long as the individual continues to:**

**(1) hold; or**

**(2) be reelected to;**

**the elected office the individual held on June 30, 2009.**

**Sec. 2. As used in this chapter, "elected office" refers only to the following:**

**(1) The elected executive of a political subdivision.**

**(2) An elected member of the legislative body of a political subdivision.**

**Sec. 3. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.**

**Sec. 4. An individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.**

**Sec. 5. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.**

SECTION 3. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

**(b) A person may file both:**

**(1) a declaration of candidacy under this chapter for nomination to a federal or state office; and**

**(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.**

**(c) A person may not file:**

**(1) a declaration of candidacy for a nomination; and**

**(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.**

1 If a person files both a declaration of candidacy and a petition of  
 2 nomination described in this subsection, the matter shall be referred to  
 3 the county election board under section 18 of this chapter. The board  
 4 shall determine which document was most recently filed and shall  
 5 consider the previously filed document to have been withdrawn.

6 SECTION 4. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Upon receipt of the certified  
 8 list under section 17 of this chapter, a county election board shall  
 9 immediately compile under the proper political party designation the  
 10 following:

11 (1) The title of each office.

12 (2) The name of each individual who has filed a request to be  
 13 placed on the presidential primary ballot.

14 (3) The names and addresses of all persons for whom declarations  
 15 of candidacy have been filed for nomination to an office on the  
 16 primary election ballot.

17 ~~(4) The names and addresses of all persons who have filed a~~  
 18 ~~petition of nomination for election to a school board office to be~~  
 19 ~~chosen at the same time as the primary election.~~

20 ~~(5) (4)~~ The text of any public question to be placed on the ballot.

21 ~~(6) (5)~~ The date of the primary election.

22 ~~(7) (6)~~ The hours during which the polls will be open.

23 (b) The county election board shall do the following:

24 (1) Publish the information described in subsection (a) before the  
 25 primary election in accordance with IC 5-3-1.

26 (2) File a copy of the information described in subsection (a):

27 (A) with the election division; and

28 (B) in the minutes of the county election board.

29 (c) The county election board shall file the copies required under  
 30 subsection (b)(2) not later than noon ten (10) days before election day.

31 (d) An election is not invalidated by the failure of the board to  
 32 comply with this section.

33 (e) If the county election board receives an amendment from the  
 34 election division under section 17 of this chapter after:

35 (1) compilation of the information described in subsection (a) has  
 36 occurred; or

37 (2) the board determines that it is impractical to recompile  
 38 completely revised information;

39 the board is only required to file a copy of the amendment with the  
 40 minutes of the board.

41 SECTION 5. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS  
 42 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 43 1, 2009]:

44 **Chapter 2.5. Nomination for School Board Office**

45 **Sec. 1. This chapter applies to a candidate for a school board**  
 46 **office.**

**Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.**

**Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.**

**Sec. 4. (a) A petition of nomination for a school board office must be filed:**

**(1) not earlier than one hundred four (104) days; and**

**(2) not later than noon seventy-four (74) days;**

**before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.**

**(b) A declaration of intent to be a write-in candidate for a school board office must be filed:**

**(1) not earlier than ninety (90) days before the general election; and**

**(2) not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15.**

**The declaration must be subscribed and sworn to before a person authorized to administer oaths.**

SECTION 6. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

**OFFICIAL PRIMARY BALLOT**

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- 1           ☐ (1) AB \_\_\_\_\_  
 2           ☐ (2) CD \_\_\_\_\_  
 3           ☐ (3) EF \_\_\_\_\_  
 4           ☐ (4) GH \_\_\_\_\_
- 5           (b) The offices with candidates for nomination shall be placed on  
 6           the primary election ballot in the following order:
- 7           (1) Federal and state offices:
- 8               (A) President of the United States.  
 9               (B) United States Senator.  
 10              (C) Governor.  
 11              (D) United States Representative.
- 12          (2) Legislative offices:
- 13              (A) State senator.  
 14              (B) State representative.
- 15          (3) Circuit offices and county judicial offices:
- 16              (A) Judge of the circuit court, and unless otherwise specified  
 17              under IC 33, with each division separate if there is more than  
 18              one (1) judge of the circuit court.  
 19              (B) Judge of the superior court, and unless otherwise specified  
 20              under IC 33, with each division separate if there is more than  
 21              one (1) judge of the superior court.  
 22              (C) Judge of the probate court.  
 23              (D) Judge of the county court, with each division separate, as  
 24              required by IC 33-30-3-3.  
 25              (E) Prosecuting attorney.  
 26              (F) Circuit court clerk.
- 27          (4) County offices:
- 28              (A) County auditor.  
 29              (B) County recorder.  
 30              (C) County treasurer.  
 31              (D) County sheriff.  
 32              (E) County coroner.  
 33              (F) County surveyor.  
 34              (G) County assessor.  
 35              (H) County commissioner.  
 36              (I) County council member.
- 37          (5) Township offices:
- 38              (A) Township assessor (only in a township referred to in  
 39              IC 36-6-5-1(d)).  
 40              (B) Township trustee.  
 41              (C) Township board member.  
 42              (D) Judge of the small claims court.  
 43              (E) Constable of the small claims court.
- 44          (6) City offices:
- 45              (A) Mayor.  
 46              (B) Clerk or clerk-treasurer.

- 1 (C) Judge of the city court.  
 2 (D) City-county council member or common council member.  
 3 (7) Town offices:  
 4 (A) Clerk-treasurer.  
 5 (B) Judge of the town court.  
 6 (C) Town council member.  
 7 (c) The political party offices with candidates for election shall be  
 8 placed on the primary election ballot in the following order after the  
 9 offices described in subsection (b):  
 10 (1) Precinct committeeman.  
 11 (2) State convention delegate.  
 12 (d) The following offices and public questions shall be placed on the  
 13 primary election ballot in the following order after the offices described  
 14 in subsection (c):  
 15 ~~(1) School board offices to be elected at the primary election.~~  
 16 ~~(2) Other~~ (1) Local offices to be elected at the primary election.  
 17 ~~(3) (2) Local public questions.~~  
 18 (e) The offices and public questions described in subsection (d)  
 19 shall be placed:  
 20 (1) in a separate column on the ballot if voting is by paper ballot;  
 21 (2) after the offices described in subsection (c) in the form  
 22 specified in IC 3-11-13-11 if voting is by ballot card; or  
 23 (3) either:  
 24 (A) on a separate screen for each office or public question; or  
 25 (B) after the offices described in subsection (c) in the form  
 26 specified in IC 3-11-14-3.5;  
 27 if voting is by an electronic voting system.  
 28 (f) A public question shall be placed on the primary election ballot  
 29 in the following form:  
 30 (The explanatory text for the public question,  
 31 if required by law.)  
 32 "Shall (insert public question)?"  
 33 ☐ YES  
 34 ☐ NO  
 35 SECTION 7. IC 3-10-1-19.2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19.2. (a) Whenever  
 37 candidates are to be nominated for an office that includes more than  
 38 one (1) district, the districts shall be placed on the ballot in alphabetical  
 39 or numerical order, according to the designation given to the district.  
 40 (b) Whenever candidates are to be nominated for an office that  
 41 includes both an at-large member and a member representing a district,  
 42 the candidates seeking nomination as an at-large member shall be  
 43 placed on the ballot before candidates seeking nomination to represent  
 44 a district.  
 45 (c) ~~This subsection applies to a school board office or political~~  
 46 ~~office to be elected at the primary election ballot.~~ Candidates for a

1 ~~school board office~~ or a political party office shall be placed on the  
 2 ballot in accordance with the rules applicable to candidates for  
 3 nomination to an office under subsections (a) and (b).

4 SECTION 8. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,  
 5 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2009]: Sec. 12. (a) In formulating a preliminary reorganization  
 7 plan and with respect to each of the community school corporations  
 8 that are a part of the reorganization plan, the county committee shall  
 9 determine the following:

- 10 (1) The name of the community school corporation.
- 11 (2) Subject to subsection (e), a general description of the
- 12 boundaries of the community school corporation.
- 13 (3) With respect to the board of school trustees, **the following:**
  - 14 (A) Whether the number of members is:
    - 15 (i) three (3);
    - 16 (ii) five (5); or
    - 17 (iii) seven (7).
  - 18 (B) Whether the members are elected or appointed.
  - 19 (C) If the members are appointed:
    - 20 (i) when the appointments are made; and
    - 21 (ii) who makes the appointments.
  - 22 (D) If the members are elected, ~~whether that~~ the election is at
    - 23 (i) ~~the primary election at which county officials are~~
    - 24 ~~nominated; or~~
    - 25 (ii) the general election at which county officials are elected.
    - 26 ~~and~~
  - 27 (E) Subject to sections 21 and 22 of this chapter, the manner
  - 28 in which members are elected or appointed.
- 29 (4) The compensation, if any, of the members of the regular and
- 30 interim board of school trustees, which may not exceed the
- 31 amount provided in IC 20-26-4-7.
- 32 (5) Subject to subsection (f), qualifications required of the
- 33 members of the board of school trustees, including limitations on:
  - 34 (A) residence; and
  - 35 (B) term of office.
- 36 (6) If an existing school corporation is divided in the
- 37 reorganization, the disposition of assets and liabilities.
- 38 (7) The disposition of school aid bonds, if any.
- 39 (b) If existing school corporations are not divided in the
- 40 reorganization, the:
  - 41 (1) assets;
  - 42 (2) liabilities; and
  - 43 (3) obligations;
- 44 of the existing school corporations shall be transferred to and assumed
- 45 by the new community school corporation of which they are a part,
- 46 regardless of whether the plan provides for transfer and assumption.

(c) The preliminary plan must be supported by a summary statement of the following:

(1) The educational improvements the plan's adoption will make possible.

(2) Data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies.

(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a



boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve an appointive or elective term of more than four

(4) years; and

(2) may serve more than one (1) consecutive appointive or elective term.

SECTION 9. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 29.1. (a) This section applies to each school corporation.**

**(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must in accordance with IC 3-8-2.5 file a petition of nomination that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.**

**(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.**

**(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.**

**(e) If the plan provides that members of the governing body are**

1 to be elected from residence districts by all voters in the  
 2 community school corporation, nominees for the governing body  
 3 shall be placed on the ballot in the form prescribed by IC 3-11-2,  
 4 by residence districts without party designation. The ballot must  
 5 state the number of members to be voted on and the maximum  
 6 number of members that may be elected from each residence  
 7 district as provided in the plan. A ballot is not valid if more than  
 8 the maximum number of members are voted on from a board  
 9 member residence district. The candidates who receive the most  
 10 votes are elected. However, if more than the maximum number  
 11 that may be elected from a residence district are among those  
 12 receiving the most votes, the candidates from the residence districts  
 13 exceeding the maximum number who receive the fewest votes shall  
 14 be eliminated in determining the candidates who are elected.

15 (f) If the plan provides that members of the governing body are  
 16 to be elected from electoral districts solely by the voters of each  
 17 district, nominees residing in each electoral district shall be placed  
 18 on the ballot in the form prescribed by IC 3-11-2, without party  
 19 designation. The ballot must state the number of members to be  
 20 voted on from the electoral district. The candidates residing in the  
 21 electoral district who receive the most votes are elected.

22 SECTION 10. IC 20-23-4-30, AS ADDED BY P.L.230-2005,  
 23 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2009]: Sec. 30. (a) This section applies to each school  
 25 corporation.

26 (b) If the governing body is to be elected at the primary election;  
 27 each registered voter may vote in the governing body election without  
 28 otherwise voting in the primary election.

29 (c) If a tie vote occurs among any of the candidates, the tie vote  
 30 shall be resolved under IC 3-12-9-4.

31 (d) If after the first governing body takes office, there is a  
 32 vacancy on the governing body for any reason, including the failure of  
 33 the sufficient number of petitions for candidates being filed, whether  
 34 the vacating member was elected or appointed, the remaining members  
 35 of the governing body, whether or not a majority of the governing body,  
 36 shall by a majority vote fill the vacancy by appointing a person from  
 37 within the boundaries of the community school corporation to serve for  
 38 the term or balance of the term. An individual appointed under this  
 39 subsection must possess the qualifications provided for a regularly  
 40 elected or appointed governing body member filling the office. If:

41 (1) a tie vote occurs among the members of the governing body  
 42 under this subsection or IC 3-12-9-4; or

43 (2) the governing body fails to act within thirty (30) days after any  
 44 vacancy occurs;

45 the judge of the circuit court in the county where the majority of  
 46 registered voters of the school corporation reside shall make the

1 appointment.

2 ~~(c)~~ **(d)** A vacancy in the governing body occurs if a member ceases  
3 to be a resident of any community school corporation. A vacancy does  
4 not occur when the member moves from a district of the school  
5 corporation from which the member was elected or appointed if the  
6 member continues to be a resident of the school corporation.

7 ~~(f)~~ **(e)** At the first ~~primary or~~ general election in which members of  
8 the governing body are elected:

9 (1) a simple majority of the candidates elected as members of the  
10 governing body who receive the ~~highest~~ **greatest** number of votes  
11 shall be elected for four (4) year terms; and

12 (2) the balance of the candidates elected as members of the  
13 governing body receiving the next ~~highest~~ **greatest** number of  
14 votes shall be elected for two (2) year terms.

15 Thereafter, all school board members shall be elected for four (4) year  
16 terms.

17 ~~(g)~~ **(f)** ~~Elected~~ governing body members ~~elected~~:

18 ~~(1) in November~~ take office and assume their duties on January  
19 1 or July 1 after their election, as determined by the board of  
20 school trustees before the election. ~~and~~

21 ~~(2) in May take office and assume their duties on July 1 after their~~  
22 ~~election.~~

23 SECTION 11. IC 20-23-7-6, AS ADDED BY P.L.1-2005,  
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2009]: Sec. 6. (a) The first metropolitan board of education  
26 shall be composed of the:

27 (1) trustees; and

28 (2) members of school boards;

29 of the school corporations forming the metropolitan board of education.

30 (b) The members of the metropolitan board of education shall serve  
31 ex officio as members subject to the laws concerning length of terms,  
32 powers of election, or appointment and filling vacancies applicable to  
33 their respective offices.

34 (c) If a metropolitan school district is comprised of only two (2)  
35 board members, the two (2) members shall appoint a third board  
36 member not more than ten (10) days after the creation of the  
37 metropolitan school district. If the two (2) members are unable to agree  
38 on or do not make the appointment of a third board member within the  
39 ten (10) day period after the creation of the metropolitan school district,  
40 the third member shall be appointed not more than twenty (20) days  
41 after the creation of the metropolitan school district by the judge of the  
42 circuit court of the county in which the metropolitan school district is  
43 located. If the metropolitan school district is located in two (2) or more  
44 counties, the judge of the circuit court of the county containing that part  
45 of the metropolitan school district having more students than the part  
46 or parts located in another county or counties shall appoint the third

1 member. The members of the metropolitan board of education serve  
2 until their successors are elected or appointed and qualified.

3 (d) The first meeting of the first metropolitan board of education  
4 shall be held not more than one (1) month after the creation of the  
5 metropolitan school district. The first meeting shall be called by the  
6 superintendent of schools, or township trustee of a school township, of  
7 the school corporation in the district having the largest number of  
8 students. At the first meeting, the board shall organize, and **each year**  
9 **during the first ten (10) days of each July after the board members**  
10 **that are elected or appointed to a new term take office,** the board  
11 shall reorganize, by electing a president, a vice president, a secretary,  
12 and a treasurer.

13 (e) The secretary of the board shall keep an accurate record of the  
14 minutes of the metropolitan board of education, and the minutes shall  
15 be kept in the superintendent's office. When a metropolitan school  
16 district is formed, the metropolitan superintendent shall act as  
17 administrator of the board and shall carry out the acts and duties as  
18 designated by the board. A quorum consists of a majority of the  
19 members of the board. A quorum is required for the transaction of  
20 business. The vote of a majority of those present is required for a:

- 21 (1) motion;
- 22 (2) ordinance; or
- 23 (3) resolution;

24 to pass.

25 (f) The board shall conduct its affairs in the manner described in this  
26 section. Except in unusual cases, the board shall hold its meetings at  
27 the office of the metropolitan superintendent or at a place mutually  
28 designated by the board and the superintendent. Board records are to  
29 be maintained and board business is to be conducted from the office of  
30 the metropolitan superintendent or a place designated by the board and  
31 the superintendent.

32 (g) The metropolitan board of education shall have the power to pay  
33 to a member of the board:

- 34 (1) a reasonable per diem for service on the board not to exceed  
35 one hundred twenty-five dollars (\$125) per year; and
- 36 (2) for travel to and from a member's home to the place of the  
37 meeting within the district, a sum for mileage equal to the amount  
38 per mile paid to state officers and employees. The rate per mile  
39 shall change when the state government changes its rate per mile.

40 SECTION 12. IC 20-23-7-8.1 IS ADDED TO THE INDIANA  
41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2009]: **Sec. 8.1. (a) The registered voters of**  
43 **the metropolitan school district shall elect the members of the**  
44 **metropolitan board of education at general elections held**  
45 **biennially, beginning with the next general election that is held**  
46 **more than sixty (60) days after the creation of the metropolitan**

1 school district as provided in this chapter.

2 (b) Each nominee for the board must file a petition of  
3 nomination signed by the nominee and by ten (10) registered voters  
4 residing in the same board member district as the nominee. The  
5 petition must be filed in accordance with IC 3-8-2.5 with the circuit  
6 court clerk of each county in which the metropolitan school district  
7 is located.

8 (c) Nominees for the board shall be listed on the general election  
9 ballot:

10 (1) in the form prescribed by IC 3-11-2;

11 (2) by board member districts; and

12 (3) without party designation.

13 The ballot must state the number of board members to be voted on  
14 and the maximum number of members that may be elected from  
15 each board member district as provided under section 5 of this  
16 chapter. A ballot that contains more votes than the maximum  
17 number allowed from a board member district is invalid.

18 (d) The precinct election boards in each county serving at the  
19 general election shall conduct the election for school board  
20 members.

21 (e) Voting and tabulation of votes shall be conducted in  
22 accordance with IC 3, and the candidates who receive the most  
23 votes are elected to the board.

24 (f) If there are more candidates from a particular board  
25 member district than may be elected from the board member  
26 district under section 5 of this chapter:

27 (1) the number of candidates elected is the greatest number  
28 that may be elected from the board member district;

29 (2) the candidates elected are those who, among the  
30 candidates from the board member district, receive the most  
31 votes; and

32 (3) the other candidates from the board member district are  
33 eliminated.

34 (g) If there is a tie vote among the candidates for the board, the  
35 judge of the circuit court in the county where the majority of the  
36 registered voters of the metropolitan school district reside shall  
37 select one (1) of the candidates, who shall be declared and certified  
38 elected.

39 (h) If, at any time after the first board member election, a  
40 vacancy on the board occurs for any reason, including an  
41 insufficient number of petitions for candidates being filed, and  
42 regardless of whether the vacating member was elected or  
43 appointed, the remaining members of the board, whether or not a  
44 majority of the board, shall by a majority vote fill the vacancy by:

45 (1) appointing a person from the board member district from  
46 which the person who vacated the board was elected; or

47 (2) if the person was appointed, appointing a person from the

board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election in which members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms and the other elected candidates shall be elected for two (2) year terms.

(k) After the first general election referred to in subsection (j), board members shall be elected for four (4) year terms and shall take office January 1 following their election.

SECTION 13. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for

township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be

created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The



election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the \_\_\_\_\_ School Township of \_\_\_\_\_ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of \_\_\_\_\_ Township, \_\_\_\_\_ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and

the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8 **8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 14. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected, and a general description of the manner of election that conforms~~

with the requirements of IC 20-23-4-27.

**(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.**

(5) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 15. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 16. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school

1 corporation.

2 SECTION 17. IC 20-23-12-3, AS ADDED BY P.L.1-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2009]: Sec. 3. (a) The governing body of the school  
5 corporation consists of seven (7) members elected as follows:

6 (1) On a nonpartisan basis.

7 (2) In a **primary general** election ~~held~~ in the county.

8 (b) Six (6) of the members shall be elected from the school districts  
9 drawn under section 4 of this chapter. Each member:

10 (1) is elected from the school district in which the member  
11 resides; and

12 (2) upon election and in conducting the business of the governing  
13 body, represents the interests of the entire school corporation.

14 (c) One (1) of the members elected:

15 (1) is the at-large member of the governing body;

16 (2) may reside in any of the districts drawn under section 4 of this  
17 chapter; and

18 (3) upon election and in conducting the business of the governing  
19 body, represents the interests of the entire school corporation.

20 SECTION 18. IC 20-23-12-8, AS ADDED BY P.L.1-2005,  
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2009]: Sec. 8. **(a)** The term of each person elected to serve on  
23 the governing body

24 ~~(1)~~ is four (4) years. ~~and~~

25 ~~(2) begins~~

26 **(b) The term of each person elected to serve on the governing**  
27 **body begins** the ~~July~~ **+ January 1** that next follows the person's  
28 election.

29 SECTION 19. IC 20-23-12-9, AS ADDED BY P.L.1-2005,  
30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2009]: Sec. 9. The members are elected as follows:

32 (1) Three (3) of the members elected under section 3(b) of this  
33 chapter are elected at the **primary general** election to be held in  
34 ~~2008~~ **2012** and every four (4) years thereafter.

35 (2) Three (3) of the members elected under section 3(b) of this  
36 chapter are elected at the **primary general** election to be held in  
37 ~~2006~~ **2010** and every four (4) years thereafter.

38 (3) The at-large member elected under section 3(c) of this chapter  
39 is elected at the **primary general** election to be held in ~~2008~~ **2012**  
40 and every four (4) years thereafter.

41 SECTION 20. IC 20-23-13-1, AS ADDED BY P.L.230-2005,  
42 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2009]: Sec. 1. (a) In a community school corporation  
44 established under IC 20-23-4 that:

45 (1) has a population of more than seventy-five thousand (75,000)  
46 but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

~~(b) At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members; each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(c) At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members; each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d) (b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section.~~ **chapter.**

**SECTION 21. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.**

**(b) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.**

**(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:**

**(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.**

**(2) Each petition may nominate only one (1) candidate.**

**(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.**

**(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.**

**(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:**

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 22. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through
- (2) IC 20-23-4-29.1;
- (3) IC 20-23-4-30; and
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 23. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- (A) The name of the prospective candidate.
- (B) Whether the prospective candidate is a district candidate or an at-large candidate.
- (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
- (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
  - (A) reside in the district; and
  - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
  - (A) reside in the school corporation; and
  - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

- 1 (A) be a registered voter;
- 2 (B) have been a registered voter for at least the three (3) years
- 3 immediately preceding the election; and
- 4 (C) be a high school graduate or have received a:
  - 5 (i) high school equivalency certificate; or
  - 6 (ii) state general educational development (GED) diploma
  - 7 under IC 20-20-6.
- 8 (5) A prospective candidate may not:
  - 9 (A) hold any other elective or appointive office; or
  - 10 (B) have a pecuniary interest in any contract with the school
  - 11 corporation or its governing body;
  - 12 as prohibited by law.

13 SECTION 24. IC 20-23-14-8, AS ADDED BY P.L.1-2005,  
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2009]: Sec. 8. (a) The term of each person elected to serve on  
 16 the governing body  
 17 ~~(1) is four (4) years. and~~  
 18 ~~(2) begins~~

19 **(b) The term of each person elected to serve on the governing**  
 20 **body begins on the July + January 1** that next follows the person's  
 21 election.

22 SECTION 25. IC 20-23-14-9, AS ADDED BY P.L.1-2005,  
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2009]: Sec. 9. The members are elected as follows:

- 25 (1) Three (3) of the members are elected at the **primary general**
- 26 election to be held in ~~2008~~ **2012** and every four (4) years
- 27 thereafter.
- 28 (2) Two (2) of the members are elected at the **primary general**
- 29 election to be held in ~~2006~~ **2010** and every four (4) years
- 30 thereafter.

31 SECTION 26. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,  
 32 SECTION 322, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board consists of seven  
 34 (7) members. A member:

- 35 (1) must be elected on a nonpartisan basis in **primary general**
- 36 elections held in the county as specified in this section; and
- 37 (2) serves a four (4) year term.

38 (b) Five (5) members shall be elected from the school board districts  
 39 in which the members reside, and two (2) members must be elected at  
 40 large. Not more than two (2) of the members who serve on the board  
 41 may reside in the same school board district.

42 (c) If a candidate runs for one (1) of the district positions on the  
 43 board, only eligible voters residing in the candidate's district may vote  
 44 for that candidate. If a person is a candidate for one (1) of the at-large  
 45 positions, eligible voters from all the districts may vote for that  
 46 candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

- (1) balloting procedures for the election under IC 3; and
- (2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 27. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
  - (A) the operation of the circuit's probation department;
  - (B) the defense of indigents; and
  - (C) maintaining an adequate law library.



(3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

~~IC 20-23-7-8~~ IC 20-23-7-8.1

IC 20-26-7-8

IC 20-26-7-14

IC 20-47-2-15

IC 20-47-3-13

IC 36-9

IC 36-10

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 28. IC 36-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 4.5. Employment of Relatives**

**Sec. 1. This section does not apply to an individual who:**

(1) is a contractor or employed by a contractor, for the design or construction of a unit's public works project;

(2) is a vendor or employed by a vendor for a purchase by the unit of supplies;

(3) is a vendor or employed by a vendor for a purchase of mowing services, or property maintenance services for the unit; or

(4) is a member of a paid fire department or a volunteer fire department that renders fire protection services to the unit.

**Sec. 2. (a) As used in this chapter, "relative" means:**

(1) a husband;

(2) a wife;

(3) a father, grandfather, or stepfather;

(4) a mother, grandmother, or stepmother;

(5) a son, grandson, stepson, or son-in-law;

(6) a daughter, granddaughter, stepdaughter, or daughter-in-law;

(7) a brother or stepbrother;

(8) a sister or stepsister;

(9) an aunt;

- (10) an uncle;
- (11) a niece;
- (12) a nephew; or
- (13) a first cousin.

(b) A relative by adoption, half-blood, marriage, or remarriage shall be treated as a relative of whole kinship.

**Sec. 3. An individual who is a relative of an officer or employee of a unit may not be employed by the unit in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's relative.**

**Sec. 4. An employee of a unit who marries another employee or officer of the unit may not continue to be employed in the same position the employee held before the marriage if the employee would have a direct supervisory or subordinate relationship with the employee's spouse.**

**Sec. 5. This chapter does not require the termination or reassignment of any employee of a unit from any position held by that individual before July 1, 2009. This section expires January 1, 2011.**

SECTION 29. IC 36-1.5-4-36, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

- (1) general election; ~~if the reorganized political subdivision is not a municipality or a school corporation;~~
- (2) ~~municipal election; if the reorganized political subdivision is a municipality;~~ or
- ~~(3)~~ (2) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the reorganized political subdivision is a school corporation;

after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

- (1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and
- (2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

(d) If appointed officers are required in the reorganized political subdivision, one (1) set of appointed officers shall be appointed for the reorganized political subdivision. The appointments shall be made as required by statute for the reorganized political subdivision. Any statute requiring an appointed officer to reside in the political subdivision where the appointed officer resides shall be treated as permitting the appointed officer to reside in any part of the territory of the reorganized political subdivision.

SECTION 30. IC 36-6-6-10, AS AMENDED BY P.L.146-2008, SECTION 713, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy or an employee of a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, except as provided in subsection (h), the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in subsection (h), the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(f) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(g) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person

1 consents to a reduction in salary.

2 (h) In a year in which there is not an election of members to the  
3 township legislative body, **a simple majority of** the township  
4 legislative body may ~~by unanimous~~ vote ~~to~~ reduce the salaries of the  
5 members of the township legislative body by any amount.

6 SECTION 31. IC 36-6-8-13 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A member of  
8 the township legislative body who holds office for a fraction of any  
9 year is entitled to a proportionate fraction of the annual salary.

10 (b) A member of the township legislative body who holds office on  
11 December 31 of any year is entitled to his salary on that day.

12 (c) A member of the township legislative body who leaves office  
13 before December 31 of any year is entitled to his salary on the day he  
14 leaves office.

15 **(d) After December 31, 2009, a member of the township**  
16 **legislative body may not receive an annual salary that exceeds five**  
17 **thousand dollars (\$5,000)."**

18 Page 3, after line 1, begin a new paragraph and insert:

19 "SECTION 34. THE FOLLOWING ARE REPEALED  
20 [EFFECTIVE JULY 1, 2009]: IC 3-8-2-2.2; IC 20-23-4-29;  
21 IC 20-23-7-8; IC 20-23-13-2; IC 22-12-6-2."

22 Renumber all SECTIONS consecutively.

(Reference is to ESB 322 as printed April 7, 2009.)

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Representative Torr